IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24474 of 2004

Between:

M/s. Mc. Dowell & Co.Ltd., having its registered office

At Mc. Dowell House, 51 Rich Mond road, Bangalore-25,

Rep. by its Power of Authority Holder Shri Krishna Swamy Iyenger,

S/o Ranga Chari, R/o 345-SRT, S.R. Nagar, Hyderabad.

..... PETITIONER

AND

1. The Prl. Secretary to Government, Revenue Department, Secretariat Building, Hyderabad.
2. The Commissioner Appeals, Urban Land Ceilings, Nampally Station Road, Hyderabad.
3. The Special Officer and Competent Authority, Urban Land Ceiling, Visakhapatnam.
4. The District Collector, Visakhapatnam.
5. The Commissioner, Municipal Corporation, Visakhapatnam.
6. The Vice Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam.
7. The Mandal Revenue Officer, Visakhapatnam Urban Mandal, Visakhapatnam.
8. The Station House Officer, Visakhapatnam Town, Visakhapatnam.
9. The Vice-Chairman & Managing Director, Andhra Pradesh Industrial Infrastructure Corporation Ltd., 6th Floor, Parisramabhavan, 5-9-58/B, Basheerbagh, Hyderabad –500 004, A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order more particularly one in the nature of Writ of Mandamus for a declaration that the inaction of the 2nd respondent in not entertaining the statutory appeal filed by the petitioner company under Section 33 of the Urban Land Ceiling Act against the orders passed in C.C.No.6698/76 by the 3rd respondent i.e., the Special Officer and Competent Authority, Urban Land Ceilings, Visakhapatnam and the hasty steps of the 1st respondent Government in entrusting the land of the petitioner company to an extent of 4.3101 Hectares in Sy.No.1011/36 of Block No.39 of Waltair Ward, Visakhapatnam to the 9th respondent or any authority or institution pending disposal of the statutory appeal is illegal, arbitrary in spite of the observations of the Hon'ble Court passed in W.P.No.11591 of 2004, dated 28.09.2004 and as confirmed in W.A.No.1712 of 2004, dated 3.11.2004 and directions to the 2nd respondent to entertain the appeal and decide the same taking into consideration of the decisions of the Hon'ble Supreme Court in Review Petition (Civil) Nos.288-292/2002 and S.L.P (C) Nos.22972-22976/2001, dated 3.4.2002 and orders of this Hon'ble Court passed in W.P.No.11591 of 2004, dated 28.09.2004 and as confirmed in W.A.No.1712 of 2004, dated 3.11.2004 and pass necessary orders allowing the Appeal meanwhile pass orders directing the respondents not to allot, entrust or assign the land of the petitioner Company pending disposal of the statutory appeal under Section 33 of the Urban Land Ceiling Act, 1976 in favour of 9th respondent or any 3rd party or 3rd parties or any institution or institutions.

Counsel for the Petitioner: MR.C.HANUMANTHA RAO

Counsel for the Respondent Nos.1 to 4, 7 and 8: GP for Assignment

Counsel for the Respondent No.5: MR.T.S.VENKATARAMANA

Counsel for the Respondent No.6: M/s. P. Sumalini Reddy.

The Court, at the admission stage, made the following :

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ORDER:

The grievance of the petitioner-Company in this writ petition is that it filed an appeal before the 2nd respondent-Commissioner, Urban Land Ceilings against the order passed in C.C.NO.6698 of 1976 by the 3rd respondent-Special Officer and Competent Authority, Urban Land Ceilings, but the 2nd respondent neither considered the same nor passed any orders so far. It is also the grievance of the petitioner-Company that while pending the said appeal, the 1st respondent

Government is trying to entrust the land of the petitioner-Company to an extent of 4.3101 Hectares in Survey No.1011/36 of Block No.39 of Waltair Ward, Visakhapatnam to the 9th respondent. Hence, the present writ petition has been filed.

Heard the learned counsel for petitioner as well as the learned counsel for respondents.

Since, the petitioner has already filed an appeal before the 2nd respondent against the impugned orders passed by the 3rd respondent,

I see no reasons to interfere with the matter in exercise of jurisdiction under Article 226 of the Constitution of India. However, the petitioner is at liberty to pursue his remedies before the appellate authority.

The writ petition is accordingly disposed of. No costs.

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(N.V. RAMANA, J)

Date: 28.12.2004

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Prl. Secretary to Government, Revenue Department, Secretariat Building, Hyderabad.

2. The Commissioner Appeals, Urban Land Ceilings, Nampally Station Road, Hyderabad.

3. The Special Officer and Competent Authority, Urban Land Ceiling, Visakhapatnam.

4. The District Collector, Visakhapatnam.

5. The Commissioner, Municipal Corporation, Visakhapatnam.

6. The Vice Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam.

7. The Mandal Revenue Officer, Visakhapatnam Urban Mandal, Visakhapatnam.

8. The Station House Officer, Visakhapatnam Town, Visakhapatnam.

9. The Vice-Chairman & Managing Director, Andhra Pradesh Industrial Infrastructure Corporation Ltd., 6th Floor, Parisramabhavan, 5-9-58/B, Basheerbagh, Hyderabad –500 004, A.P.

10.Two CCs to GP for Assignment, High Court of AP, Hyderabad (OUT)

11.Two CD copies.